

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA**

*United States of America v. Myles David Hoeger*  
Case No. 3:16-cr-00006-TMB-DMS-1

By: THE HONORABLE TIMOTHY M. BURGESS

PROCEEDINGS: ORDER FROM CHAMBERS

This matter comes before the Court on Defendant Myles David Hoeger's status report seeking to modify his conditions of supervised release which the Court construes as a motion (the "Motion").<sup>1</sup> For the foregoing reasons, Hoeger's Motion is **DENIED without prejudice**.

Hoeger previously pleaded guilty to one count of robbery, in violation of 18 U.S.C. § 2113(a), and was sentenced to a 37-month term of imprisonment with three years of supervised release to follow.<sup>2</sup> On July 19, 2021, Hoeger filed a Status Report asking that his conditions of supervised release be modified as follows: "The defendant is approved by the U.S. District Court to consume medical marijuana in accordance with the State of Alaska and his medical marijuana license."<sup>3</sup> Hoeger attaches a letter from the Alaska Department of Health and Social Services, along with his medical marijuana card issued under Alaska Stat. Ann. § 17.37.010.<sup>4</sup>

Pursuant to 18 U.S.C. § 3583(d), a district court has discretion to impose special conditions of supervised release which are reasonably related to the goals of deterrence, protection of the public, or rehabilitation of the offender; involve no greater deprivation of liberty than necessary to achieve those goals; and are consistent with any pertinent policy statements issued by the Sentencing Commission.<sup>5</sup>

Hoeger may qualify for a modification in the conditions of his supervised release. However, he has not submitted sufficient information for the Court to consider his request for modification. In addition to submitting his State of Alaska Medical Marijuana Registry Patient Card, Hoeger must also submit proof of his physician's orders regarding his medical use of marijuana. Accordingly, Hoeger's Motion is **DENIED without prejudice**.

If Hoeger refiles a motion to modify his conditions of release under 18 U.S.C. § 3583(d), the Government and the U.S. Probation Officer assigned to Hoeger's case should file responses within the time permitted under the local rules.

Entered at the direction of the Honorable Timothy M. Burgess, United States District Judge.

DATE: October 20, 2021

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<sup>1</sup> Dkt. 69 (Status Report).

<sup>2</sup> Dkts. 19 (Plea Agreement); 42 (Minute Entry re Imposition of Sentence); 44 (Judgment).

<sup>3</sup> Dkt. 69.

<sup>4</sup> Dkt. 69-1 (Attachments).

<sup>5</sup> *United States v. Riley*, 576 F.3d 1046, 1048 (9th Cir. 2009).